

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN CIVIL LIBERTIES
UNION OF MICHIGAN,

Plaintiff,

Civil Action No.: 17-11149

Honorable Judith E. Levy

Magistrate Judge Elizabeth A. Stafford

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

NOTICE TO APPEAR FOR SETTLEMENT CONFERENCE

TAKE NOTICE that the above-entitled matter has been scheduled for settlement proceedings on **TUESDAY, JULY 9, 2019 at 10:00 AM** before Magistrate Judge Elizabeth A. Stafford, at Theodore Levin Courthouse, 231 W. Lafayette Boulevard, Detroit, MI 48226 in courtroom 642. **The parties must strictly comply with the following four requirements:**

FIRST: At least fourteen days before the settlement conference, counsel for each party shall **meet and confer in good faith** and: (a) discuss each remaining cause of action, and the remedies available under each of those causes of action; (b) exchange good-faith and realistic offers to settle; and (c) shall explain to each other why their demand or offer is reasonable. Each party who rejects a demand or offer shall explain to opposing counsel the reasons for the rejection. **By the time of the settlement conference, each party must have made a good faith offer of settlement.**

SECOND: Seven days before the settlement conference, each party shall submit by hand, fax or email (**efile_stafford@mied.uscourts.gov**) a confidential, **ex-parte settlement statement** directly to the chambers of the Honorable Elizabeth A. Stafford, United States Magistrate Judge. DO NOT FILE THESE STATEMENTS WITH THE COURT. The statements shall be limited to ten pages with exhibits that total no more than ten pages, and shall include the following **clearly marked sections**:

- a. A brief description of the background and nature of the case;
- b. The party's perceived strengths;
- c. The party's perceived weaknesses;
- d. A statement identifying each cause of action at issue, and the remedies available under each of those causes of action;
- e. A summary of all settlement discussions that have taken place to date, including the **specific amount** of any offers and counter-offers that have been made;
- f. The **specific amount** of the party's opening offer or demand **to be shared with the opposing party to initiate settlement negotiations**.¹

THIRD: Attorneys **must prepare** their clients for the settlement conference as directed on the **attached Attorney Settlement Conference Preparation**. At the settlement conference, the parties and their attorneys are expected to conduct themselves in a business-like manner and to negotiate in good faith.

FOURTH: **Individuals with full settlement authority shall be personally present at settlement conferences.** For the plaintiff(s), "full settlement authority" means the authority to dismiss the complaint with prejudice in exchange for a settlement. For the defendant(s), "full settlement authority" is defined as the full relief requested in the lawsuit and/or the relief requested by the last settlement demand. If an insurance company agent holds the full settlement authority, such agent must be present at the conference. **If a party appears at the conference with authority to settle for only less than full settlement authority, the conference will be rescheduled.**

¹Because the opening offers and demands are used to initiate settlement negotiations, they are not treated as confidential.

Dated: April 30, 2019

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing notice was served upon the parties and/or counsel of record herein by electronic means or first class U.S. mail.

Dated: April 30, 2019

s/Marlana Williams
MARLENA WILLIAMS
Case Manager